

A CERTIFIED TRUE COPY

ATTEST

By Tanisha Spinner on Dec 02, 2009

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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on
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JUDICIAL PANEL ON
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Dec 02, 2009

FILED
CLERK'S OFFICE

**IN RE: INDIANAPOLIS LIFE INSURANCE
COMPANY I.R.S. § 412(I) AND § 419 PLANS LIFE
INSURANCE MARKETING LITIGATION**

Wing C. Chau, M.D., et al. v. Aviva Life & Annuity Co.,)
E.D. Washington, C.A. No. 2:09-5037)

MDL No. 1983

TRANSFER ORDER

Before the entire Panel: Plaintiffs in this Washington action move pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to vacate its order conditionally transferring the action to the Northern District of Texas for inclusion in MDL No. 1983. Responding defendant Aviva Life & Annuity Co., formerly known as Indianapolis Life Insurance Co. (Indianapolis Life), opposes the motion.

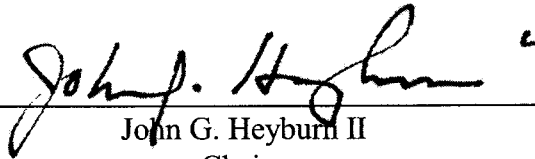
After considering all argument of counsel, we find that this action involves common questions of fact with actions in this litigation previously transferred to the Northern District of Texas, notwithstanding any questions of fact unique to *Chau*. Transfer of this action for inclusion in MDL No. 1983 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of this action is appropriate for reasons that we set out in our previous orders directing centralization in this docket. In those orders, we held that the Northern District of Texas was a proper Section 1407 forum for actions involving claims relating to the design, marketing and sale of Indianapolis Life whole life insurance policies to fund § 412(i) and § 419 employee benefit plans. *See In re Indianapolis Life Insurance Company I.R.S. § 412(i) Plans Life Insurance Marketing Litigation*, 581 F.Supp.2d 1364 (J.P.M.L. 2008); *In re Indianapolis Life Insurance Company I.R.S. § 412(i) Plans Life Insurance Marketing Litigation*, MDL No. 1983, (J.P.M.L. Aug. 10, 2009).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Northern District of Texas and, with the consent of that court, assigned to the Honorable Jane J. Boyle for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

Certified a true copy of an instrument
on file in my office on 12-3-09
Clerk, U.S. District Court,
Northern District of Texas
By [Signature] Deputy

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PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II", is written over a horizontal line. The signature is cursive and stylized.

John G. Heyburn II
Chairman

Robert L. Miller, Jr.
David R. Hansen
Frank C. Damrell, Jr.

Kathryn H. Vratil
W. Royal Furgeson, Jr.
David G. Trager